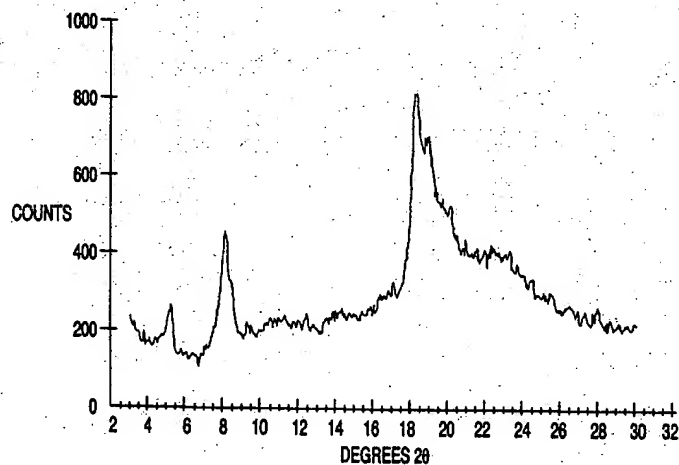


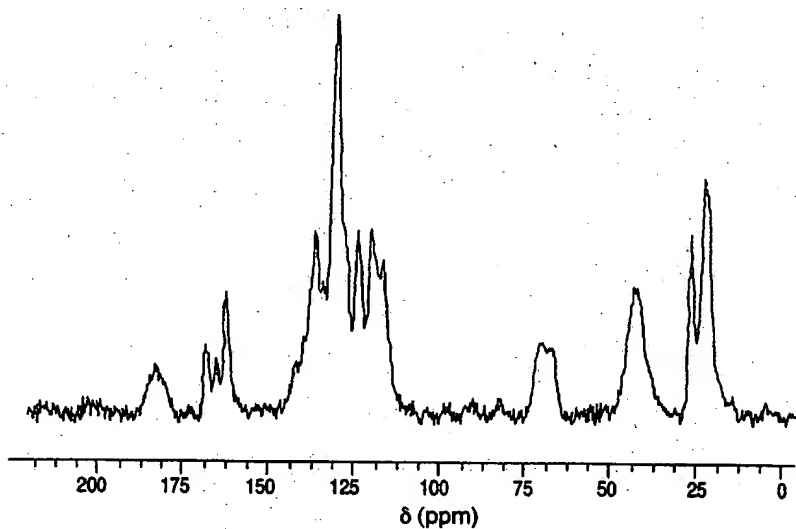
### CLAIM AMENDMENTS

This listing of claims will replace all prior versions and listings of claims in the application:

1. (previously presented) Atorvastatin calcium Form V or hydrate thereof of claim 3 produced by a process comprising the steps of
  - a) dissolving a metal, ammonium or alkylammonium salt of atorvastatin in a solvent to form an atorvastatin salt solution,
  - b) contacting the atorvastatin salt solution with a calcium salt, and
  - c) isolating crystalline atorvastatin calcium Form V or hydrate thereof.
2. (previously presented) Atorvastatin calcium Form V or hydrate thereof having an X-ray powder diffractogram substantially as follows



3. (currently amended) Atorvastatin calcium Form V and hydrates thereof characterized by X-ray powder diffraction peaks at ~~5.5~~  $5.3 \pm 0.2$  and  $8.3 \pm 0.2$  degrees  $2\theta$  and a broad peak at  $18-23 \pm 0.2$  degrees  $2\theta$  with a maximum at  $18.3 \pm 0.2$  degrees  $2\theta$ .
4. (previously presented) Atorvastatin calcium Form V or hydrate thereof having a solid state  $^{13}\text{C}$  NMR spectrum substantially as follows



5. (previously presented) Atorvastatin calcium Form V and hydrates thereof characterized by solid state  $^{13}\text{C}$  NMR signals at 21.9, 25.9, 118.9, 122.5, 128.7, 161.0 and 167.1 ppm.

6. (previously presented) Atorvastatin calcium Form V of claim 3 containing up to about 9 moles of water per mole of atorvastatin calcium.
7. (withdrawn) A process for preparing atorvastatin calcium Form V and hydrates thereof of either of claims 3 or 5, comprising the steps of
  - a) dissolving a metal, ammonium or alkylammonium salt of atorvastatin in a solvent to form an atorvastatin salt solution
  - b) contacting the atorvastatin salt solution with a calcium salt, and
  - c) isolating atorvastatin calcium Form V or hydrates thereof.
8. (withdrawn) The process of claim 7 wherein the salt of atorvastatin is a metal salt of atorvastatin.
9. (withdrawn) The process of claim 8 wherein the metal salt of atorvastatin is a sodium salt of atorvastatin.
10. (withdrawn) The process of claim 7 wherein the calcium salt is calcium acetate.
11. (withdrawn) The process of claim 7 wherein the calcium salt is dissolved in a solvent and the atorvastatin salt solution is contacted with the calcium salt by adding the calcium salt solution to the atorvastatin salt solution.
12. (withdrawn) A process for preparing atorvastatin calcium Form V or hydrates thereof of either of claims 3 or 5, comprising the steps of

- a) dissolving atorvastatin calcium in a solvent selected from the group consisting of tetrahydrofuran and hydroxylic solvents to form an atorvastatin calcium salt solution,
  - b) adding water to the atorvastatin calcium salt solution, and
  - c) isolating atorvastatin calcium Form V or hydrates thereof.
13. (withdrawn) The process of claim 12 wherein the solvent is methanol.
14. (withdrawn) The process of claim 12 wherein the solvent is ethanol.
15. (withdrawn) The process of claim 12 wherein the solvent is tetrahydrofuran.
16. (previously presented) A pharmaceutical composition that is a solid or suspension comprising a therapeutic amount of atorvastatin calcium Form V or hydrates thereof of claim 1, 3, or 5.
17. (currently amended) Atorvastatin calcium Form V and hydrates thereof characterized by x-ray powder diffraction peaks at ~~5.5~~ 5.3 ± 0.2 and 8.3 +/- 0.2 degrees 2θ and <sup>13</sup>C NMR signals at 21.9, 25.9, 118.9, 122.5, 128.7, 161.0 and 167.1 ppm.
18. (withdrawn) A method of making atorvastatin calcium Form V of claim 2 or 4 and hydrates thereof comprising the steps of:
- a) dissolving a metal, ammonium or alkylammonium salt of atorvastatin in a solvent to form an atorvastatin salt solution

- b) contacting the atorvastatin salt solution with a calcium salt, and
  - c) isolating atorvastatin calcium Form V or hydrate thereof.
19. (withdrawn) A method of making atorvastatin calcium Form V or hydrate thereof of either of claims 2 or 4, comprising the steps of:
- a) dissolving atorvastatin calcium in a solvent selected from the group consisting of tetrahydrofuran and hydroxylic solvents to form an atorvastatin calcium salt solution,
  - b) adding water to the atorvastatin calcium salt solution, and
  - c) isolating the atorvastatin calcium Form V or hydrate thereof.